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Committee on State Loans and Finance

BY TISCHER, BETTISWORTH
BUSSELL, FRITZ, LISKA, SHULTZ,
WARD AND SZYMANSKI

1 IN THE HOUSE

2

HOUSE BILL NO. 167

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to homesteads; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 38 is amended by adding a new chapter to read:

10

CHAPTER 09. HOMESTEAD ACT.

11

Sec. 38.09.010. DESIGNATION OF LAND FOR HOMESTEAD ENTRY. (a)

12

The director shall classify and make available for homestead entry
13 state land.

14

(b) The director shall complete a cadastral survey of homestead
15 entry land which establishes section corners before making the land
16 available for entry.

17

(c) Notice of the designation and offering of land for homestead
18 entry shall be given by the director under AS 38.05.345. A parcel
19 shall be described by aliquot parts or survey and may not be larger
20 than a quarter section or exceed 160 acres.

21

(d) Land designated for homestead entry is not subject to a
22 preference right under AS 38.05.

23

Sec. 38.09.020. HOMESTEAD ENTRY PERMITS. (a) A homestead entry

24

permit entitles a person to enter a designated parcel and to survey,
25 occupy, and improve the parcel in order to qualify for a patent under
26 this chapter.

27

(b) An applicant for a homestead entry permit shall stake the
28 corners of the land entered.

29

(c) The director shall issue a homestead entry permit in order

1 of application.

2 (d) An applicant for a homestead entry permit shall

3 (1) submit proof acceptable to the director that the appli-
4 cant is at least 18 years of age and has been a resident of the state
5 for not less than one year immediately before the date of application;

6 (2) pay a fee of \$500;

7 (3) agree to comply with the requirements of AS 38.09.040;

8 (4) certify that the corners of the land entered have been
9 staked.

10 (e) An applicant may not hold more than one homestead entry
11 permit at one time and may not receive a patent to more than 160 acres
12 under this chapter.

13 (f) The permit may not be assigned, conveyed, or in any manner
14 transferred except by testate or intestate succession.

15 Sec. 38.09.030. REVOCATION OF ENTRY PERMITS. (a) A homestead
16 entry permit may be revoked by the director for any substantial breach
17 of the permit conditions or the requirements of this chapter, includ-
18 ing

19 (1) an assignment, conveyance, or other transfer of the
20 permit;

21 (2) failure of the permittee to submit a plat of survey to
22 the director within 18 months after issuance of the permit;

23 (3) failure to erect a dwelling or to clear the land in the
24 time required under AS 38.09.040(a), except that if the director finds
25 that the dwelling or clearing has been nearly completed and progress
26 toward completion is being made at the expiration of the time requir-
27 ed, the director may extend the time required for completion for not
28 more than one year;

29 (4) failure to brush the boundaries of the parcel within

1 Sec. 38.09.050. LAND WITHIN MUNICIPALITIES. (a) Nothing in
2 this chapter or AS 29.18.201 - 29.18.213 prevents the director from
3 designating for homestead entry land that would otherwise be available
4 for borough or city selection under AS 29.18.201 - 29.18.213. Land
5 designated for homestead entry is not available for city or borough
6 selection.

7 (b) The disposal of homestead entry land is not subject to local
8 platting, recording, or subdivision requirements established under
9 AS 29.33 and AS 40.15 but subsequent subdivision of the land is sub-
10 ject to the requirements.

11 Sec. 38.09.060. REGULATIONS. The commissioner may adopt regula-
12 tions to implement this chapter.

13 Sec. 38.09.900. DEFINITIONS. In this chapter

14 (1) "commissioner" means the commissioner of natural re-
15 sources;

16 (2) - "director" means the director of the division of land
17 and water management in the Department of Natural Resources;

18 (3) "habitable dwelling" means a dwelling of a permanent
19 nature, together with fixtures and facilities, including sanitary
20 facilities, required by law or customary in the vicinity of the land
21 made available for homestead entry;

22 (4) "resident" means a person who has resided in the state
23 for at least one year, does not claim residence in another state, and
24 shows by all attending circumstances an intent to make this state the
25 person's permanent residence.

26 * Sec. 2. AS 18.56 is amended by adding a new section to read:

27 Sec. 18.56.102. VETERAN HOMESTEAD ENTRY LOANS. The corporation
28 may purchase a mortgage loan for the construction of a dwelling by a
29 veteran on homestead entry land as described in AS 38.09 even if the

1 corporation has already purchased, under AS 18.56.098, a loan obtained
2 by the veteran for the purchase, improvement, or rehabilitation of
3 another residence.

4 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).